

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
RALPH BERRY, :
:
Defendant. :
:
-----x

INDICTMENT

S1 07 Cr. 868

COUNT ONE

The Grand Jury charges:

1. On or about April 11, 2007, in the Southern District of New York, RALPH BERRY, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1),
841(b)(1)(A).)

FORFEITURE ALLEGATIONS AS TO COUNT ONE

2. As a result of committing the controlled substance offense alleged in Count One of this Indictment, RALPH BERRY, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to proceeds obtained as a result of the offense described in Count One of this Indictment.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

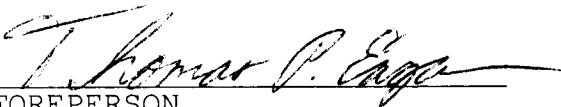
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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- v. -

RALPH BERRY,

Defendant.

INDICTMENT

S1 07 Cr. _____

(Title 21, United States Code,
Sections 812, 841(a)(1), and
841(b)(1)(A))

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Thomas P. Egan
Foreperson.

J. Crotty Assigned to case

WJ Youngster

*9/12/07
JS*